

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6269

BILL NUMBER: SB 434

NOTE PREPARED: Feb 5, 2013

BILL AMENDED: Feb 4, 2013

SUBJECT: Requirement for Flotation Devices for Children.

FIRST AUTHOR: Sen. Paul

FIRST SPONSOR:

BILL STATUS: 2nd Reading - 1st House

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) This bill prohibits a person from operating a boat unless each child less than 13 years of age onboard the boat is wearing a personal flotation device. It provides for certain exceptions.

The bill provides that a violation of this requirement is a Class C infraction.

The bill also requires that funds collected as a judgment for violating this prohibition be deposited in the Conservation Officers Marine Enforcement Fund.

Effective Date: July 1, 2013.

Explanation of State Expenditures: The Department of Natural Resources (DNR) may experience additional administrative expenses associated with notifying the public of the provisions of the bill. However, the Department should be able to perform this task within the current level of resources available.

Explanation of State Revenues: (Revised) The maximum judgment for a Class C infraction is \$500, which the bill directs to be deposited in the Conservation Officers Marine Enforcement Fund. Unless otherwise directed, revenue related to judgements for Class C infractions would be deposited in the state General Fund. Revenue collected would depend on the number of citations issued and the level of the fines assessed by the courts.

In addition, revenue to the state General Fund may increase. If court actions are filed and a judgment is entered, a court fee of \$70 would be assessed, 70% of which would be deposited in the state General Fund if the case

is filed in a court of record or 55% if the case is filed in a city or town court. In addition, some or all of the automated record keeping fee (\$5), judicial salaries fee (\$20), public defense administration fee (\$5), court administration fee (\$5), judicial insurance adjustment fee (\$1), and the DNA sample processing fee (\$2) are deposited into the state General Fund.

Additional Information: DNR has reported the following information with regard to the number of tickets issued for current personal flotation device (PFD) violations. The existing violations are Class C infractions and are related to the requirement to have PFDs on board in sufficient numbers to provide one for each passenger. There are no data to indicate the number of incidents that included the presence of children under the age of 13 who were not wearing a PFD.

Tickets Issued	CY 2010	CY 2011	CY 2012
Warning	751	1,444	1,240
Citation	582	579	740
Total	1,333	2,023	1,980

Explanation of Local Expenditures:

Explanation of Local Revenues: *Penalty Provision:* If additional court actions are filed and a judgment is entered, local governments would receive revenue from the following sources. The county general fund would receive 27% of the \$70 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund.

State Agencies Affected: DNR.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: DNR.

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